

 ORIGINAL

AUSA: JERRY J. FANG

**23 MAG 06442**

**COMPLAINT**

UNITED STATES OF AMERICA

v.

JAYVAUGN VALENTINE, and  
BRIAN GUTIERREZ

Defendants.

Violations of 18 U.S.C. §§ 371, 1704,  
1708, and 2

COUNTY OF OFFENSE:  
NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

LEIGH MESSETT, being duly sworn, deposes and says that she is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and charges as follows:

**COUNT ONE**

**(Conspiracy to Commit Theft of a Postal Key, Theft of Mail, and Receipt of Stolen Mail)**

1. In or about September 2023, in the Southern District of New York and elsewhere, JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, and others known and unknown, willfully and knowingly combined, conspired, confederated, and agreed together and with each other to commit offenses against the United States, to wit, theft of a postal key, in violation of Title 18, United States Code, Section 1704, and theft and receipt of stolen mail matter, in violation of Title 18, United States Code, Section 1708.

2. It was a part and object of the conspiracy that JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, and others known and unknown, knowingly stole, purloined, embezzled, and obtained by false pretense a key suited to a lock adopted by the Post Office Department and the Postal Service and in use on the mails and bags thereof, and a key to a lock box, lock drawer, and other authorized receptacle for the deposit and delivery of mail matter, and knowingly and unlawfully made, forged, and counterfeited such a key, and possessed such mail lock and key with the intent unlawfully and improperly to use, sell, and otherwise dispose of the same, and to cause the same to be unlawfully and improperly used, sold, and otherwise disposed of, in violation of Title 18, United States Code, Section 1704.

3. It was further a part and an object of the conspiracy that JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, and others known and unknown, knowingly stole, took, and abstracted, and by fraud and deception obtained, and attempted so to obtain, from and out of mail, post offices, and stations thereof, letter boxes, mail receptacles, and mail routes and other authorized depositories for mail matter, and from letters and mail carriers, letters, postal cards, packages, bags, and mail, and abstracted and removed from such letters, packages, bags, and mail, articles and things contained therein, and secreted, embezzled, and destroyed such letters, postal cards, packages, bags, and mail, and articles and things contained therein, and stole, took, and abstracted, and by fraud and deception obtained letters, postal cards, packages, bags, and mail, and articles and things contained therein which had been left for

collection upon and adjacent to collection boxes and other authorized depositories of mail matter, and bought, received, and concealed, and unlawfully had in their possession, letters, postal cards, packages, bags, and mail, and articles and things contained therein, which had been so stolen, taken, embezzled, and abstracted, knowing the same to have been stolen, taken, embezzled, and abstracted, in violation of Title 18, United States Code, Section 1708.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal objects thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about September 18, 2023, JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, approached two United States Postal Service (“USPS”) mailboxes located in the vicinity of Madison Avenue and East 68th Street in New York, New York (the “Collection Boxes”), with intent to steal mail.

b. On or about September 18, 2023, VALENTINE and GUTIERREZ removed approximately eleven pieces of mail from one of the Collection Boxes and placed them in a shopping bag.

c. On or about September 18, 2023, VALENTINE and GUTIERREZ used and possessed a stolen mailbox key.

(Title 18, United States Code, Section 371.)

**COUNT TWO**  
**(Theft of a Postal Key)**

5. On or about September 18, 2023, in the Southern District of New York and elsewhere, JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, knowingly stole, purloined, embezzled, and obtained by false pretense a key suited to a lock adopted by the Post Office Department and the Postal Service and in use on the mails and bags thereof, and a key to a lock box, lock drawer, and other authorized receptacle for the deposit and delivery of mail matter, and knowingly and unlawfully made, forged, and counterfeited such a key, and possessed such mail lock and key with the intent unlawfully and improperly to use, sell, and otherwise dispose of the same, and to cause the same to be unlawfully and improperly used, sold, and otherwise disposed of, to wit, VALENTINE and GUTIERREZ possessed and used a mailbox key belonging to the United States Postal Service to steal mail from a locked mailbox in New York, New York.

(Title 18, United States Code, Sections 1704 and 2.)

**COUNT THREE**  
**(Theft and Receipt of Stolen Mail)**

6. On or about September 18, 2023, in the Southern District of New York and elsewhere, JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, knowingly stole, took, and abstracted, and by fraud and deception obtained, and attempted so to obtain, from and out of the mail, a post office, and a station thereof, a letter box, a mail receptacle, and a mail route and other authorized depository for mail matter, and from a letter and mail carrier, a letter, postal card, package, bag, and mail, and abstracted and removed from such letter, package, bag, and mail, an article and thing contained therein, and secreted, embezzled, and destroyed such letter, postal card, package, bag, and mail, and an article and thing contained therein, and stole, took, and abstracted, and by fraud and deception obtained a letter, postal card, package, bag, and mail, and an article and thing contained therein which had been left for collection upon and adjacent to a collection box and other authorized depository of mail matter, and bought, received, and concealed, and unlawfully had in their possession, a letter, postal card, package, bag, and mail, and an article and thing contained therein, which had been so stolen, taken, embezzled, and abstracted, knowing the same to have been stolen, taken, embezzled, and abstracted, to wit, VALENTINE and GUTIERREZ stole mail from a mailbox in New York, New York, and possessed mail that was stolen from the United States postal mail.

(Title 18, United States Code, Sections 1708 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

7. I am a United States Postal Inspector, and I have been personally involved in the investigation of this matter. My duties and responsibilities include the investigation of mail theft, robbery, bank and wire fraud, and related crimes. I base this affidavit on that experience and training, on my conversations with other law enforcement officials, and on my examination of various reports, and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

8. Based on my training and experience with the USPIS, I have learned the following:

a. A “collection box” is a blue lockable receptacle in which individuals may deposit mail to be sent via the USPS and from which USPS carriers pick up such mail using an arrow key, described below.

b. An “arrow lock key” or an “arrow key” is a distinctively shaped USPS key used by mail carriers to open mail-receiving receptacles such as a collection box. Only certain persons are authorized to possess USPS arrow keys.

9. Based on my participation in this investigation and my conversations with other law enforcement officers, I have learned, among other things, the following:

a. On or about September 18, 2023, at approximately 2:40 a.m., three officers of the New York City Police Department (“NYPD”) (the “NYPD Officers”) were sitting in an unmarked police vehicle parked in the vicinity of the southwest corner of East 68th Street and Madison Avenue.

b. The NYPD Officers observed two individuals, subsequently identified as JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, approach two collection boxes (the “Collection Boxes”) located in the vicinity of the southeast corner of East 68th Street and Madison Avenue. The NYPD Officers then observed VALENTINE and GUTIERREZ appear to open the Collection Boxes, remove what appeared to be several pieces of mail from one of the Collection Boxes, and place them in a Target shopping bag (the “Shopping Bag”).

c. As VALENTINE and GUTIERREZ began to walk away from the Collection Boxes, the NYPD Officers—who were in uniform—exited their vehicle and approached VALENTINE and GUTIERREZ to arrest them.

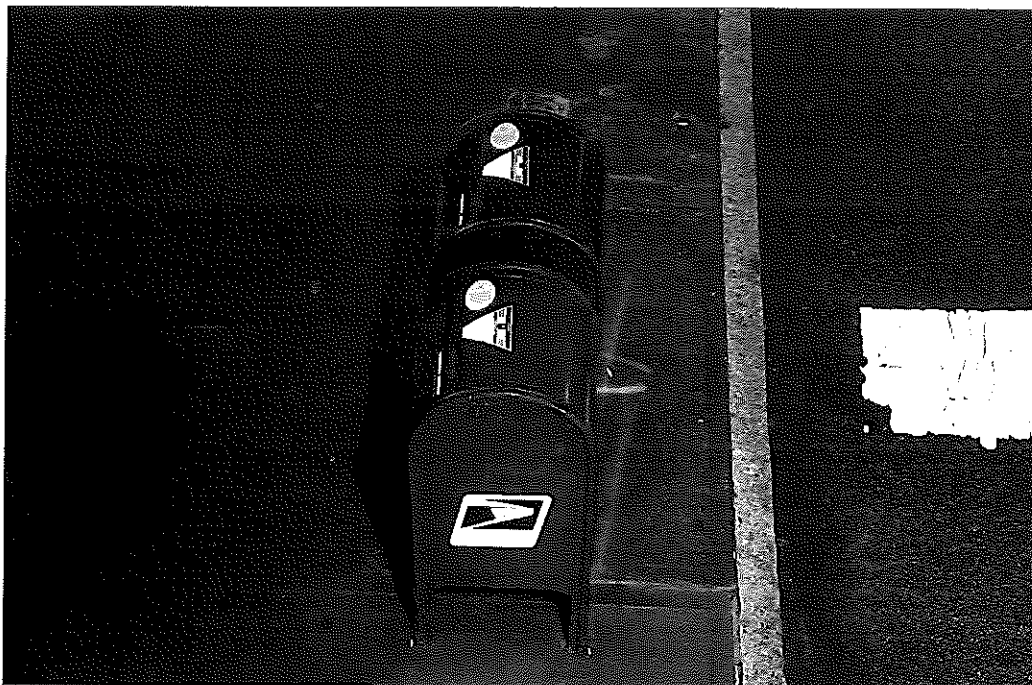
d. GUTIERREZ surrendered to law enforcement. Following a search of GUTIERREZ incident to his arrest, law enforcement recovered a driver’s license identifying GUTIERREZ as “Brian Gutierrez.”

e. VALENTINE fled with the Shopping Bag and was subsequently apprehended on East 67th Street between Fifth Avenue and Madison Avenue in possession of the Shopping Bag, which contained approximately eleven pieces of stolen mail, depicted below. Upon his arrest, VALENTINE identified himself to law enforcement as “Jayvaugn Valentine.” Law enforcement subsequently conducted a search on a law enforcement database for VALENTINE’s name and confirmed VALENTINE’s identity by comparing the appearance of the individual identifying himself as VALENTINE with a law enforcement database photograph of VALENTINE.

f. Following VALENTINE’s and GUTIERREZ’s arrests, law enforcement also recovered an arrow key from one of the Collection Boxes.

10. Law enforcement also reviewed NYPD surveillance video footage from the vicinity of East 68th Street and Madison Avenue, where the Collection Boxes are located.

a. The following is a still image taken from NYPD surveillance video footage depicting the Collection Boxes shortly before JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, approached them.

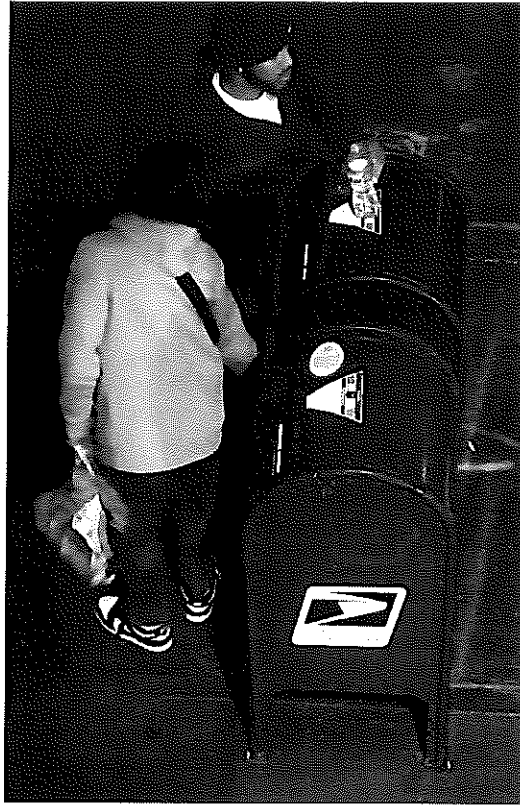


b. The following are still images taken from NYPD surveillance video footage depicting GUTIERREZ unlocking and opening one of the Collection Boxes.

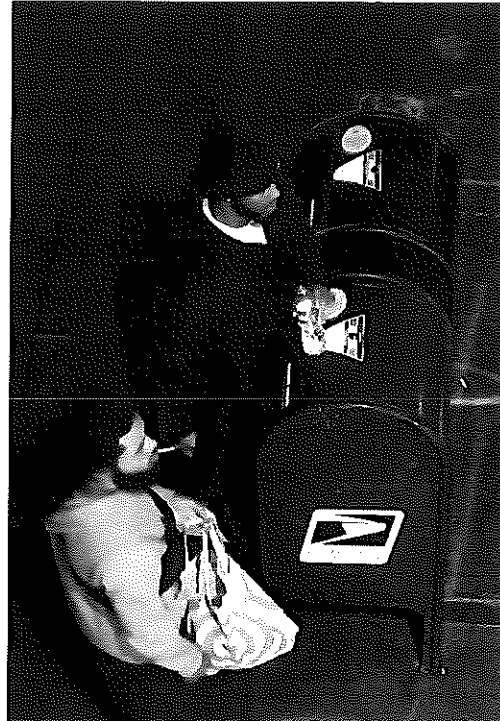
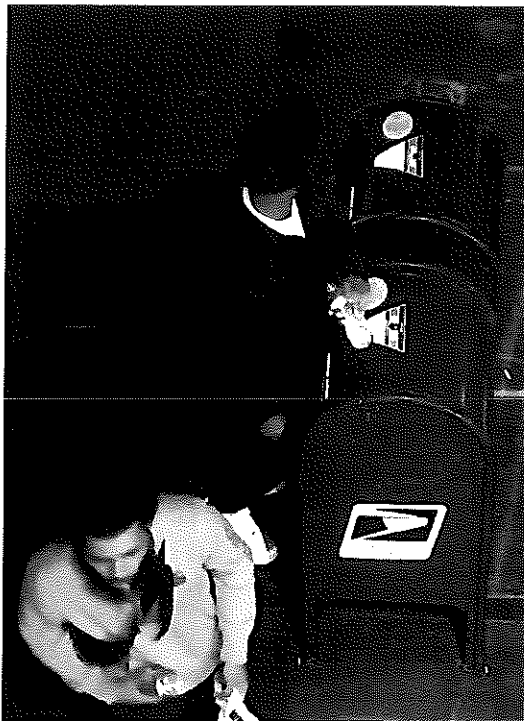


c. The following is a still image taken from NYPD surveillance video footage depicting VALENTINE removing mail from one of the Collection Boxes before placing the stolen mail into the Shopping Bag.





d. The following are still images taken from NYPD surveillance video footage depicting GUTIERREZ unlocking and opening the other one of the Collection Boxes.



11. Law enforcement subsequently reviewed NYPD surveillance video footage from the vicinity of East 61st Street and Madison Avenue. Based on my discussions with law enforcement officers who have reviewed that footage, I have learned that JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, loitered around another collection box in the vicinity of East 61st Street and Madison Avenue for approximately ten minutes before proceeding to East 68th Street and Madison Avenue.

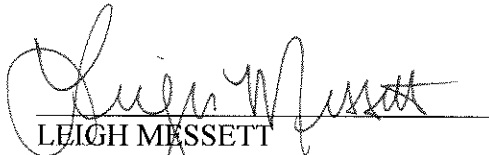
12. I participated in custodial interviews of JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, on September 18, 2023. Based on my participation in the interviews, I know the following:

a. VALENTINE was advised of his *Miranda* rights and agreed to speak with me and other law enforcement officers. VALENTINE stated, in substance and in part, that he and GUTIERREZ had found the arrow key in Harlem, New York, with a piece of paper with the address of the Collection Boxes and that they tested the key on the Collection Boxes.

b. GUTIERREZ was advised of his *Miranda* rights and agreed to speak with me and other law enforcement officers. GUTIERREZ stated, in substance and in part, that he and VALENTINE had found the arrow key on the subway, with a piece of paper with the address of the Collection Boxes and that they tested the key on the Collection Boxes.

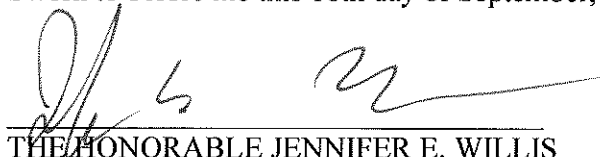
13. I know from my training and experience that certain of the pieces of mail that were recovered from the Shopping Bag were unprocessed outgoing pieces of mail because those pieces of mail lacked certain markings, including cancellation or processing markings and USPS bar codes, typically applied to outgoing mail received by USPS for distribution, as part of USPS's distribution process. I therefore believe that the pieces of mail that were recovered from the Shopping Bag were stolen.

WHEREFORE, I respectfully request that JAYVAUGN VALENTINE and BRIAN GUTIERREZ, the defendants, be imprisoned or bailed, as the case may be.



LEIGH MESSETT  
Postal Inspector  
United States Postal Inspection Service

Sworn to before me this 18th day of September, 2023.



JENNIFER E. WILLIS  
THE HONORABLE JENNIFER E. WILLIS  
United States Magistrate Judge  
Southern District of New York